

REMARKS

Claims 1-9, 11, and are all the claims pending in the application. By this amendment dependent claims 10, 12, and 14 have been canceled. Claims 1, 3, and 8 are independent claims.

PTO-892 form

The Examiner has not returned a PTO-892 form citing Kemp et al. (US 6,253,815). In response. Applicant respectfully requests the Examiner to list this cited reference.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1-14 are rejected under 35 U.S.C. § 112, first paragraph.

Claims 1, 3, and 8

The Examiner has asserted that the recitation regarding “the level of the sidewall” in claims 1, 3, and 8 is unsupported in the original specification.

The Examiner has asserted that if this recitation merely means that the tops of the decorative portion (i.e., serrations) are higher than the bottoms, then this feature would be described and supported in the original specification.¹ Thus, in response, Applicant has amended claims 1, 3, and 8 to recite that the tops of the decorative portion protrude higher than “the bottoms of the decorative portion with respect to a direction of protruding from the sidewall” on which the decorative portion is arranged.

¹ See Office Action at page 2, lines 18-22.

Claim 2

The Examiner has asserted that the language of dependent claim 2 is confusing in view of the fact that claim 2 defines the “high decorative portion” is joined to a joined portion and part of the decorative portion.

Applicant has amended claim 2 to recite that the joined portions include a high decorative portion having interconnected tops and bottoms, the bottoms of the high decorative portion being higher than the bottoms of the decorative portion. This claim is supported at least by the exemplary embodiment in FIG. 6, in which the high decorative portion joins protruding portions 17.

In addition, so that the amendment to claim 2 consistent with claim 1, Applicant has amended claim 1 to recite that the joined portion joins one of the protruding portions to another of the protruding portions.

Claims 10, 12, and 14

The Examiner asserts that the new negative limitations of dependent claims 10, 12, and 14 are unsupported in the original specification. In response, Applicant has deleted these claims.

In view of the amendments discussed above, Applicant respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. § 112, first paragraph.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-14 are rejected under 35 U.S.C. § 112, second paragraph.

The Examiner has asserted that it is unclear how the “joined portion” compares to the “decorative portion,” and has asserted that the direction of the tops and bottoms is unclear. Applicant respectfully requests the Examiner to withdraw this rejection in view of the amendments above, which clarify that the high decorative portion is a part of the “joined

portion” and define the direction as being with respect to a direction of protruding from the sidewall.

Claim Rejections Under 35 U.S.C. § 102 and 103

Kemp

Claims 1, 3, and 9-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kemp et al. (US 6,253,815). Claim 7/1 is rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Kemp.

Claim 1

With respect to independent claim 1, Applicant has amended the claim to recite that joined portion joins *one of the protruding portions to another of the protruding portions*, and bottoms of the joined portion are higher than the bottoms of the decorative portion. Applicant respectfully submits that Kemp does not disclose the claimed tire.

Specifically, Kemp at FIG. 2 does not disclose the recited *joined portion between protruding portions*. Instead, Kemp merely discloses a raised portion 951 surrounded by a decorative band area 955 of striae 953.

Thus, Applicant respectfully requests the Examiner to withdraw this rejection of independent claim 1.

Claim 3

With respect to independent claim 3, Applicant has amended claim 3 to recite that a *flat portion higher than the bottoms of the decorative portion* with respect to a direction of protruding from the sidewall *extends continuously from one of the protruding portions to another of the protruding portions*.

Applicant respectfully submits that Kemp does not disclose this recited relationship. That is, even assuming *arguendo* that the flat portions of Kemp's striae 953 were to be considered as corresponding to a "flat portion," these striae 953 do not *extend continuously from one of the protruding portions to another of the protruding portions*. Instead, Kemp's decorative band area 955 includes several recesses.

Thus, Applicant respectfully requests the Examiner to withdraw this rejection of independent claim 3.

Dependent claims

Applicant respectfully requests the Examiner to withdraw the rejection of dependent claims 7/1, 9 and 11 at least because of their dependency from claim 1 or claim 3.

Kemp and Roberts

Claims 2 and 7/2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kemp and further in view of Roberts et al. (4,198,774).

Applicant respectfully requests the Examiner to withdraw the §102 rejection of claim 1, the Examiner should also withdraw this rejection of dependent claims 2 and 7/2 based on their dependency.

Vizina

Claims 3, 4, 7, 11 and 12 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over D204585 to Vizina.

Claim 3

Applicant has amended independent claim 3 to recite that each of the protruding portions forms a character, respectively, and the flat portion is formed between the characters. With this

feature, although the tire comes to be repeatedly subjected to compressive strain in the region of characters (protruding portions) while running, the rigidity difference is resolved by the flat portions. Further, with the flat portions, the V-grooves are eliminated, and therefore, the strength and rigidity of the region concerned are enhanced to a great extent, and the occurrence of the stress concentration is decreased. As a result of this, it is possible to securely restrict the crack caused by the flex fatigue for a long period of time without damaging the exterior appearance.

Applicant respectfully requests the Examiner to withdraw this rejection of independent claim 3 at least because Vizina does not teach or suggest the claimed tire in which a flat portion higher than the bottoms of the decorative portion with respect to a direction of protruding from the sidewall continuously extends from one of the protruding portions to another of the protruding portions, and each of the protruding portions forms a character, respectively, and the flat portion is formed between the characters.

In contrast, in Vizina, as shown in FIG. 5, the bottom of the flat portion *between the characters (L) has the same level* as the bottom of the decorative portion. Thus, the rigidity difference cannot be resolved by such a flat portion. Consequently, it is impossible to securely restrict the crack caused by the flex fatigue for a long period of time without damaging the exterior appearance. Thus, Applicant respectfully requests the Examiner to withdraw this rejection of independent claim 3.

Claims 4, 7, and 11

Applicant respectfully requests the Examiner to withdraw the rejection of dependent claims 4, 7, and 11 at least because of their dependency from claim 3.

Baker

Claims 3, 4, 8 and 11-14 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Baker (US 6,053,228).

Claim 3

With respect to independent claim 3, Applicant has amended this claim to recite that *flat portions higher than the bottoms of the decorative portion* with respect to a direction of protruding from the sidewall *extend continuously from one of the protruding portions to another of the protruding portions*.

Applicant respectfully requests the Examiner to withdraw this rejection of independent claim 3 at least because Baker does not teach or suggest the claimed tire. That is, the flat upper surface 54 of Baker's tire does not *extend continuously from one of the upper surfaces 46 to another of the upper surfaces 46*. Instead, as shown in for example, FIG. 4, there are lower surface portions 60 between the upper surfaces 46.

Thus, Applicant respectfully requests the Examiner to withdraw this rejection of independent claim 3.

Claim 8

Applicant has amended independent claim 8 to recite that a joined portion joins one of the protruding portions to another of the protruding portions, *bottoms of the joined portion are higher than the bottoms of the decorative portion* with respect to a direction of protruding from the sidewall.

Applicant respectfully requests the Examiner to withdraw this rejection of independent claim 8 at least because Baker does not teach or suggest the claimed tire.

That is, there is no embodiment of Baker in which a joined portion between the upper surfaces 46 includes a bottom that is higher than *the bottoms of the decorative portion*. Instead, the bottom or lowermost part of the portion between the upper surfaces 46 is at the same level as the outer surface 16 of the tire.

Thus, Applicant respectfully requests the Examiner to withdraw this rejection of independent claim 8.

Dependent claims

Applicant respectfully requests the Examiner to withdraw the rejection of dependent claims 4, 11, and 13 at least because of their dependency from claim 3 or claim 8.

Kemp, Vizina, or Baker

Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kemp or Vizina or Baker, and further in view of JP 2000-255224 (cited by Applicant) and optionally Ratliff, Jr. (US 5,807,446).

Applicant respectfully requests the Examiner to withdraw this rejection of dependent claims 5 and 6 at least because of their dependency from claim 3.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116
Application No.: 10/500,191

Attorney Docket No.: Q82273

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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